

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
DAYTON DIVISION**

IN RE:

Case No. 19-31090

Charles D. Pence

Chapter 13

Debtor.

Judge Guy R Humphrey

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CARVANA LLC

Adversary Case No. 19-03077

Plaintiff

vs.

Charles D. Pence


Defendant

**EXHIBIT 2 - AFFIDAVIT OF Jennifer Cruise**

COMES NOW, Jennifer Cruise, after being duly sworn upon oath and states as follows:

1. I am the Bankruptcy representative for Carvana LLC ("Plaintiff").
2. I have personal knowledge of the facts set forth in this affidavit. I am duly authorized to make this affidavit and I am competent to testify to the matters contained in this affidavit.
3. The Defendant filed a Chapter 13 Bankruptcy on April 08, 2019.
4. The Trustee of the estate of the Defendant in this case is John G. Jansing.
5. Plaintiff states on March 09, 2019, that Defendant entered into a Retail Installment Sale Contract for the purchase of a 2015 KIA OPTIMA SXL - VIN 5XXGR4A67FG448628.
6. Plaintiff states that the vehicle is titled in the name of Charles D. Pence.
7. Plaintiff states that Defendant has made no payments on the vehicle per the terms of the contract, and is currently due for the April 08, 2019 payment onward.
8. The Defendant signed the contract calling for the payment of a 23.75% interest rate about a month prior to the filing of a Chapter 13 on the date that the first payment was due, and filed a Plan proposing to reduce the agreed-upon interest rate to 6.25%.

9. Defendant's Statement of Financial Affairs indicates that he paid his bankruptcy attorney his attorney fees and filing fees the same month that he purchased the vehicle, March 2019.
10. Per Defendant's Schedules, it is apparent that Defendants's previous vehicle was repossessed as he could not afford it.
11. On August 12, 2019, an Agreed Order was entered with this Court which avoided Plaintiff's lien, and which addressed the allowance of Plaintiff's Adversary Complaint filing.
12. Plaintiff states the current payoff on the vehicle is \$17,529.00 good through October 06, 2019 with a per diem rate of interest at 0.00%.

  
Carvana LLC Representative

State of Arizona

County of Maricopa

Subscribed and sworn to before me on this 4th day of October, 2019.

Kendra Lee Bloomer

Notary Public

My Commission Expires 2/9/21

